1 Aaron Greenspan (*Pro Se*) 956 Carolina Street 2 San Francisco, CA 94107-3337 Phone: +1 415 670 9350 3 Fax: +1 415 373 3959 4 E-Mail: aaron.greenspan@plainsite.org 5 UNITED STATES DISTRICT COURT 6 NORTHERN DISTRICT OF CALIFORNIA SAN FRANCISCO DIVISION 7 8 Case No. 3:20-cv-03426-JD 9 AARON GREENSPAN, DECLARATION OF AARON 10 Plaintiff, **GREENSPAN IN SUPPORT OF** 11 PLAINTIFF'S EMERGENCY MOTION FOR ORDER TO v. 12 PRESERVE EVIDENCE OMAR QAZI, SMICK ENTERPRISES, INC., 13 ELON MUSK, and TESLA, INC., 14 Defendants. 15 16 I, Aaron Greenspan, declare as follows: 17 1. On or around August 29, 2021, I became aware that Omar Qazi, a defendant in 18 this action, intends to sell his car, a Tesla Model 3, at auction via a website called 19 carsandbids.com. 20 2. The primary hyperlink to Omar Qazi's vehicle on carsandbids.com is 21 https://carsandbids.com/auctions/rNdqRzbk/2018-tesla-model-3-long-range. 22 3. As of August 31, 2021, eight bids have been placed for the vehicle. 23 4. I believe that Omar Qazi's vehicle contains evidence material to this litigation and 24 that if the vehicle is sold, such evidence will be destroyed and irretrievable. 25 5. I wrote to Omar Qazi's counsel on August 29, 2021 at 11:49 A.M. via e-mail 26 requesting a response regarding the vehicle auction by "Monday at 5:00 P.M. at the latest." I did 27 not receive a response to this message from counsel. 28

6. As Exhibit A, I have attached a true and correct copy of my e-mail regarding the vehicle sale to Karl Kronenberger of Kronenberger Rosenfeld LLP, representing Omar Qazi and Smick Enterprises, Inc.

7. As Exhibit B, I have attached a true and correct copy of a post on the @WholeMarsBlog Twitter account dated August 29, 2021 at 1:02 P.M.

I declare under penalty of perjury under the laws of the United States that the above statements are true and correct and that this declaration was executed on July 2, 2021 in San Francisco, California.

Dated: August 31, 2021

Aaron Greenspan

EXHIBIT A

August 29, 2021 E-Mail Correspondence with Kronenberger Rosenfeld LLP

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From: Aaron Greenspan aaron.greenspan@PLAINSITE.ORG @

Subject: Omar's Car

Date: August 29, 2021 at 11:49 AM

To: Karl Kronenberger karl@krinternetlaw.com

Cc: Jeff Rosenfeld jeff@krinternetlaw.com, Liana Chen liana@krinternetlaw.com, Kate Hollist kate@krinternetlaw.com

Karl,

It appears that Omar is selling his car, presumably to finance a lawsuit against me (or his current legal defense, or both). See https://twitter.com/WholeMarsBlog/status/1430675480919777284 and https://carsandbids.com/auctions/rNdqRzbk/2018-tesla-model-3-long-range?c=all.

As we have discussed, Omar has no valid claims against me, my family or any of my companies including but not limited to Think Computer Foundation, and any such lawsuit will be met with Rule 11 sanctions and anti-SLAPP motions.

More importantly, Omar's Tesla Model 3 both is evidence and contains evidence relevant to the ongoing litigation. Omar claims that the car was signed by Elon Musk, which I allege is material to their working relationship in the Fourth Amended Complaint. His navigation history, to the extent it records travel to the offices and/or facilities of Tesla and/or SpaceX or home(s) of Elon Musk, telephone records, and other digital data stored on the car, such as information pertaining to his contract(s) with Tesla to test "Full Self-Driving" ("FSD"), as well as the specific timestamps related to his FSD testing, are pertinent to the claims at issue.

Either the car's data needs to be completely backed up somehow before it is sold, or it cannot be sold until after the litigation is complete. For now, I will interpret any sale or transfer of the car as willful destruction of evidence.

Please respond to affirm your understanding of this message by Monday at 5:00 P.M. at the latest. If you do not I will motion for an order prohibiting the sale of the car. I would also remind you and Omar generally of your duty to preserve all evidence.

Aaron

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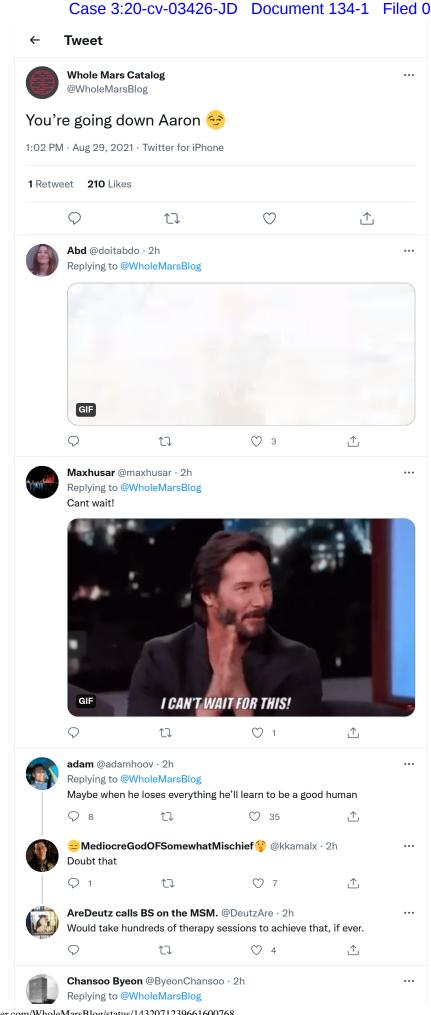


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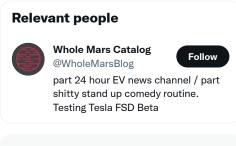
EXHIBIT B
August 29, 2021 @WholeMarsBlog Twitter Account Post

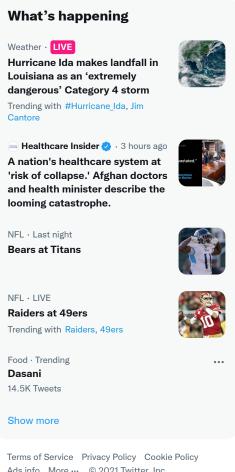
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